

AGENDA
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – June 1, 2016 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD
PLEASE SILENCE ALL ELECTRONIC DEVICES DURING MEETING
THANK YOU.

(The Town of Edgewood Council is pleased to have residents of the community take time to attend Council Meetings. Attendance and participation is encouraged. Individuals wishing to be heard during Public Hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcomed and should be given to the Clerk-Treasurer prior to the start of the meeting).

- **CALL TO ORDER.**
- **PLEDGE OF ALLEGIANCE.**
- 1. **APPROVAL OF AGENDA.**
- 2. **APPROVAL OF CONSENT AGENDA.**
 - A. Approval of the Draft Regular Council Meeting Minutes of May 18, 2016.
 - B. Acknowledge Receipt of the Draft Planning & Zoning Commission Meeting Minutes of May 17, 2016.
- 3. **MATTERS FROM THE MAYOR.**
 - A. Police Chief Selection Update
 - B. Approval to Appoint Interim Police Chief
 - C. Santa Fe County Fire Department Liaison Request to Inventory Churches
 - D. ICIP Conference Update
- 4. **MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**
 - A. Letter to Wal-Mart Headquarters
 - B. Letter to local Wal-Mart
 - C. Height Limitation in Zoning Ordinance
- 5. **MATTERS FROM THE MUNICIPAL JUDGE.**
 - A. Alternate Judge Vacancy
- 6. **WILDLIFE WEST PRESENTATION – Mr. Roger Alink**
- 7. **PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.**
- 8. **CALL FOR PUBLIC HEARING.**
 - A. Request for a zone change from SU- Special Use zoning to RE- Residential Estate for the property located at: 17 Hill Ranch Road, Lands of Howard and Dona Hill Trust, SE ¼ of Section 4, T10N, R7E, NMPM, Town of Edgewood, Santa Fe County, NM.

9. PUBLIC HEARING.

Quasi-Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

A. Adoption of proposed Ordinance No. 2016-02 granting the approval of a zone change from R-1 Residential to MU Mixed Use zoning for the property located at: 92A Church Street – Tract A - .95 acres, 92C Church Street – Tract D .86 acres and 88 Church Street – Tract B - .95 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.

10. MINOR SUBDIVISION DISCUSSION – Ms. Bonnie Pettee

11. MATTERS FROM THE CLERK/TREASURER.

12. ANNOUNCEMENTS and/or CALENDAR REVIEW.

A. Regular Council Meeting – June 15, 2016 @ 6:30 P.M.

B. Regular Council Meeting – July 6, 2016 @ 6:30 P.M.

C. Budget Workshop Meeting – July 16, 2016 @ 10:00 A.M.

NOTE: The Town Hall Offices will be closed on Monday, July 4, 2016 in observance of Independence Day.

13. FUTURE AGENDA ITEMS.

A. ICIP Hearings

B. Proposed Resolution for Equestrian Rest Stop

C. Proposed Resolution for BLM Lease

14. ADJOURN.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Clerk at the Town Offices located at 1911 Historic Route 66, at least five (5) days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Town Clerk at (505)286-4518, or by e-mail at clerk@edgewood-nm.gov if a summary or other type of accessible format is needed. **The complete council packet may be viewed on the web, visit www.edgewood-nm.gov click on Agendas & Minutes.**

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – May 18, 2016 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD

• **CALL TO ORDER.**

Mayor Bassett called the meeting to order at 6:30 p.m.

Councilors Present: Chuck Ring, Sherry Abraham, Rita Loy Simmons, and John Abrams

Also Present: Clerk/Treasurer Juan Torres, Deputy Clerk Linda Holle, and Planning & Zoning Bonnie Pettee.

• **PLEDGE OF ALLEGIANCE.**

1. **APPROVAL OF AGENDA.**

MOTION: Councilor Abrams made a motion to approve the Agenda.
Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

2. **APPROVAL OF CONSENT AGENDA.**

- A. Approval of the Draft Regular Council Meeting Minutes of May 4, 2016.
- B. Acknowledge Receipt of the Draft Planning & Zoning Commission Meeting Minutes of May 10, 2016.
- C. Acknowledge Receipt of the Draft Library Board Meeting Minutes and Library Report for the month of April 2016.
- D. Acknowledge Receipt of the Draft Animal Control Advisory Board Meeting Minutes for the month of April 2016.

Councilor Simmons requested discussion of the Planning and Zoning minutes. She inquired whether enabling legislation for the committee dictated the composition of the committee. Mayor Bassett stated a minimum of three Commissioners are from inside the Town limits and up to two could be outside the Town limits. Councilor Simmons stated those were the Town's rules. She would like information on the State's requirements. Councilor Simmons noted Mayor Bassett mentioned a number of times in the P&Z minutes and asked if he was there in an advisory capacity the one time. The Mayor replied it was a one-time thing and he sat in the audience as a citizen not as mayor. He stated he sat outside during the two hearings. Councilor Abraham questioned Item #12 in the P&Z minutes, where the Mayor suggested the Commission schedule a site visit to the area, perhaps prior to the meeting and then return to the meeting for discussion. Councilor Abraham inquired how that could occur without it being a problem with the Open Meetings Act. Mayor Bassett stated the meeting could be called to order and then recessed to make the site visit. Upon return from the site visit, the meeting would resume. The Mayor stated the idea is not to discuss the topic when out looking at the site but to wait until back in front of the microphone. It was done this way in the past. Per the Mayor, the meeting will be the meeting that is advertised. The recess and site visit would happen under the auspices of that meeting agenda. Councilor Abraham asked if the public

would be invited to the site visit. Mayor Bassett replied affirmatively. The Mayor gave another example, stating in the past site visits were scheduled on a Saturday and noticed for a Special meeting, just for site visit purposes. The Commission approved the agenda, conducted the site visit, then came back and adjourned. Councilor Simmons mentioned being criticized of ex-parte communication when she was unable to visit a site with the group. She stated it is a tricky situation. Mayor Bassett agreed it can be tricky and that is the reason he is working with the Commission to try to get it right.

MOTION: Councilor Simmons made a motion to approve the Consent Agenda.
Councilor Abrams seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

3. MATTERS FROM THE MAYOR.

A. Update on the Police Chief Candidate Review Committee

Mayor Bassett announced candidates for the Police Chief position would be interviewed on Friday, May 20, 2016. He stated Chief Radosevich's last working day is Friday, May 20. The Chief will be on leave through May 31, when he officially retires. The Mayor stated someone needs to be nominally in charge of the Police Department as of May 20. He asked Jerod Kuchan to assume the role of Acting Chief. Officer Kuchan affirmed he would take on this role. Councilor Abraham stated her belief that this action required Council approval. The Mayor replied his understanding is this is a temporary appointment and does not require Council's approval. Councilor Ring stated the appointment should be approved for safety reasons. The Mayor responded he does have the authority to put someone in place between meetings. Councilor Abrams stated a Special meeting could be called if there was something in the ordinances, but believed it was okay to proceed without Council approval. The Mayor apologized for not getting this item on the agenda sooner.

4. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Simmons thanked Mayor Bassett for his attendance at the Estancia Basin Water Planning Ad Hoc Committee for the State update.

5. ESTANCIA BASIN RESOURCE ASSOCIATION (EBRA) – Mr. Art Swenka

A. Annual Report

Mr. Swenka noted EBRA monitors any law introduced in the legislature that affects the Estancia Basin. Hardly anything came up this year and what did, did not go far. The Forest Service is developing a new Management Plan, as the last one was written in 1985. The Manzano Mountains area is designated 30% wilderness. There is no management in a wilderness area - no mechanized equipment, ATVs, chain saws, etc. Trees in a wilderness area get so thick it destroys the watershed. The Manzano Mountains are our watershed. Mr. Swenka stated Water Asset Management (WAM) is inquiring about the Basin and checking on water rules and laws in New Mexico. He believes the Estancia Basin is not sustainable enough for WAM to have any interest in it. WAM's

approach is to buy land along with the water rights and farm the land until the water is needed. Mr. Swenka distributed the January 2016 Well Monitoring Report, as well as graphs of the annual rainfall starting in 1997 and a summary of EBRA's Total Assets. He concluded by requesting the Town of Edgewood's continued financial support.

B. Approval to Authorize Membership Dues

Mayor Bassett stated the EBRA membership dues are \$500 and asked Council for a Motion.

MOTION: Councilor Ring made a motion to approve the Estancia Basin Resource Association Membership Dues of \$500.
Councilor Simmons seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

6. ESTANCIA BASIN WATER PLANNING AD HOC COMMITTEE (EBWPC) –

Mr. Jon Jones

A. Annual Report

Mr. Jones, Chairman of the Estancia Basin Water Planning Committee and the Ad Hoc Committee (a subset of the Planning Committee), introduced himself and Dan McGregor, Secretary-Treasurer of the Committee and Ad Hoc Committee, Geologist, and Natural Resources Service Manager for Bernalillo County. Mr. Jones provided the following overview of the Committees. In 1995, the Committees became part of the Interstate Stream Commission's (ISC) Regional Water Planning Program and was the first of sixteen statewide regional planning entities to publish a plan accepted by the ISC in 1999. The plan was updated in 2010, making Estancia the first Regional Planning Committee to update its original plan. The Committee is about to conclude another update to the plan which should be accepted by the ISC by the end of this year. The Committee is a governmental planning body not a private citizen action group like EBRA. Over its 23-year history, the Committee has documented where the water comes from, where it goes, how it is used, making recommendations to increase supply and cut diversions. The Committee has assisted eligible municipalities in developing their 40 year plans, established and maintained a Basin-wide well monitoring program to track the water table, coordinated with USGS and private monitoring associations, and the Plan has made it possible for the Soil and Water Conservation District to obtain millions of dollars for watershed management funding. While Torrance County constitutes about 80% of the land area of the Basin and 75% of the water is used for agricultural purposes in Torrance County, everyone in the Basin benefits in some way from the work of this Committee. Mr. Jones requested the Town's assistance in this effort.

B. Approval to Authorize Membership Dues

MOTION: Councilor Simmons moved to fund the Estancia Basin Water Planning Committee Membership Dues of \$2,000.
Councilor Ring seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

7. TOWN OF EDGEWOOD POLICE REPORT – Chief Radosevich.

A. Police Report and Animal Control Report for the month of April 2016.

Chief Radosevich summarized the Edgewood Police Department (EPD) report. Councilor Ring requested a map identifying the beat locations. The Chief stated he would include a map with his computer-generated report in the future. In the Animal Division he stated 15 animals were taken in, 9 reclaimed and 6 were adopted. On average, 15 animals are taken in per month and most are gone by the end of the month. There were 38.5 volunteer hours recorded at the animal shelter in April. Councilor Ring congratulated the Chief on EPD's successful completion of the Municipal League's Recognition Program. In preparation for the evaluation, EPD's Policies and Procedures needed to be matched with the actual Standards and then proof provided of those Standards. The Chief commended Officer Jerod Kuchan and Administrative Assistant Traci Huston for their assistance in preparing for the assessment. The official award will be presented at the NM Municipal League's Conference in Hobbs in August. A presentation will also be made at the NM Law Enforcement Conference in Albuquerque in December. The Chief stated it is quite an accomplishment but only good for three years.

The Chief distributed framed photographs of the new police department and animal control buildings. He thanked the Mayor, Council, and citizens for the two beautiful buildings, as well as Ms. Susan Simons and the community for their support of the animal shelter. Chief Radosevich reported his attendance at the Police Officer Memorial in Washington DC last week. He announced this would be his last Council Meeting and is honored to have served as Police Chief for the last three years. Councilor Simmons asked if completion of the Recognition Program would benefit the Town with better insurance rates. Chief Radosevich stated if the Department had pursued the Accreditation, the Town would receive a 5-10% credit; however, the Accreditation program is cumbersome and would require a fulltime person assigned to it. The Municipal League developed the Recognition Program for smaller agencies. Mayor Bassett recognized Chief Fred Radosevich for his three years of service to the EPD.

MOTION: Councilor Abrams made a motion to approve the Police and Animal Control Reports for the month of April 2016.
Councilor Simmons seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

8. PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.

Ms. Janelle Turner cautioned problems with site visits could occur if reporters attempt to interview Commissioners and Councilors when they are conducting a site visit. This might be a subject to address when adopting policy. It has come to Ms. Turner's attention that a member of the Governing Body accused Ms. Turner's letter to Council of causing undue delays to the Hillcrest Amendment of the Master Plan. Ms. Turner noted she had requested a delay of just two weeks. The long delay occurred when it was discovered, after the fact, that the Commission had neglected to approve Findings of Fact. She stated

the Town's authority to oversee Development Review is an extension of its police powers and it is important when the Town exercises those powers that procedures are followed to protect the due process and interest of all affected parties. When findings are not approved or proper notice given, it leads to a decision where there is not clear title. Per Ms. Turner, lawyers call it leaving a decision open to collateral attack. A collateral attack can come years after the decision, thus Ms. Turner stressed the importance of Council backing the Planning staff and Commission and insisting things are done properly, legally and in a professional manner.

Ms. Turner also discussed the height limitation in the Mixed Use (MU) Zone category. She asked Council to consider their action when the height limitation was dropped from the MU zone category when the Zoning Ordinance was revised a couple years ago. She stated Edgewood's residents moved here for a reason, and writing a blank check on building height is working against what people want. Buildings can and should be higher in certain circumstances but the Zoning Ordinance has an excellent variance procedure for five categories of performance-based variances that can be granted when cause is presented that they are needed. Ms. Turner requested Council consider putting the height limitation back into the MU zone category.

9. **PUBLIC HEARING.**

Quasi-Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required: Ms. Bonnie Pettee certified that Public Notice of this Meeting was posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Abrams stated he had no ex-parte communication or conflict of interest. Councilor Abraham stated she had no conflict of interest or ex-parte communication. Councilor Simmons stated she had no conflict of interest or ex-parte communication. Councilor Ring stated he had no ex-parte communication or conflict of interest. Mayor Bassett stated he had no conflict of interest or ex-parte communication.

A. Adoption of proposed Ordinance No. 2016-01 Amendments to the Uniform Traffic Ordinance by reference.

Mayor Bassett stated the Town of Edgewood proposed adopting Ordinance No. 2016-01, amendments to the Uniform Traffic Ordinance by reference. He called for questions or comments.

Councilor Simmons stated, in our rural community, there are still tractors and backhoes. She inquired whether these items were covered under Uniform Traffic Ordinance 12-7-9.2 "Off-Highway Motor Vehicles" or whether the ordinance strictly addressed recreational ATVs. Chief Radosevich stated this ordinance is strictly for ATVs, as farm equipment is already exempt by ordinance and statutes.

The Mayor called for testimony from the public. There was none.

MOTION: Councilor Ring made a motion to adopt Ordinance No. 2016-01, an addendum to the NM Uniform Traffic Ordinance, Section 12-7-9.2 "Operation of Off-Highway Motor Vehicles on Streets or Highways – Prohibited Areas"
Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Ring voted aye. The motion carried.

10. PUBLIC HEARING.

Quasi-Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required: Ms. Bonnie Pettee certified that Public Notice of this Meeting was posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Ring stated he had ex-parte communication with Mr. Clay Williams, but no conflict of interest. The communication with Mr. Williams occurred because Councilor Ring was curious about what was happening in the former dog food building. The Mayor asked if it was enough of a conflict that he needed to recuse himself. Councilor Ring responded, no, it was not.

Councilor Simmons stated she had no conflict of interest or ex-parte communication. Councilor Abraham stated she had no conflict of interest or ex-parte communication. Councilor Abrams stated he had no ex-parte communication or conflict of interest. Mayor Bassett asked if anyone present objected to Mayor Bassett's position as Chairperson or to any of the Councilors' participation in these proceedings. None so noted.

Mayor requested anyone wishing to give testimony in this hearing, rise and be sworn in.

- A. Request for a zone change from R-1 Residential to MU Mixed Use zoning for the property located at: 92A Church Street – Tract A - .95 acres, 92C Church Street – Tract D .86 acres and 88 Church Street – Tract B - .95 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.

Ms. Bonnie Pettee presented an overview of the subject of the public hearing as well as a brief history of the matter. She stated Mr. Williams originally requested a zone change on the three lots from R1 to C2. The Commission did not think C2 was appropriate zoning for that area, so they tabled the request and gave Mr. Williams time to research his options. He returned with a request for Mixed Use (MU) Zoning.

Mayor Bassett asked for the status of the application. Ms. Pettee stated the Commission had recommended approval of the request and it was ready to forward to the Council for consideration. She stated the Findings of Fact had been signed. The Mayor asked if the applicant was present. He was not. The Mayor requested presentation of the final staff report. Ms. Pettee reported the staff had performed a review of the application and submitted materials and applicable ordinances. MU Zoning would allow small neighborhood business-type establishments. This is appropriate transitional zoning considering the uses on adjacent property with MU to the north, residential and institutional to the east, and residential and services to the south. MU on subject property would complement the other parcels. It is consistent with the Land Use Plan.

MOTION: Councilor Simmons made a motion to approve a zone change from R-1 Residential to MU Mixed Use zoning for the property located at: 92A Church Street – Tract A - .95 acres, 92C Church Street – Tract D .86 acres and 88 Church Street – Tract B - .95 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.
Councilor Abraham seconded the motion

VOTE: Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Ring voted aye. The motion carried.

11. FINDINGS OF FACT, CONCLUSIONS OF LAW

A. Approval of the Zone designation of Mixed Use-MU for Unit 2 Periwinkle Ridge of Hillcrest Master Plan, Being a portion of Tract A of Highland Stock Farm LLC, Section 10 T10N, R7E, NMPM, Town of Edgewood, Santa Fe County, New Mexico.

Mayor Bassett stated he did sit in on this and asked Councilor Abrams to serve as Mayor Pro-Tem on this matter.

MOTION: Councilor Ring moved to approve the Finding of Fact and Conclusions of Law in the recommended order.
Councilor Simmons seconded the motion with changes to Item # 11A in the Councilors' packet.

[Councilor Simmons requested the NMPM acronym be inserted after R7E in the description on the Findings of Fact, Conclusions of Law document # 11A in the Councilors' packet for the May 18, 2016 Council meeting.]

VOTE: Councilor Ring voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Mayor Pro-Tem Abrams voted aye. The motion carried.

12. MATTERS FROM THE CLERK/TREASURER.

A. Update on Office Phone System

Mr. Juan Torres reported on his request for proposals for a new Town Office phone system. He is considering an IP-based, operating cost system; meaning, instead of a large capital outlay upfront, there would be a small monthly expense, which would be offset by the reduction in phone lines. With an IP-based system, only one phone line for fax transmission would be required. The maintenance cost is built into the pricing, negating the requirement for a separate maintenance agreement. Mr. Torres estimates the breakeven point for the phone system to be about five years out, which should not be a burden on the budget. Councilor Ring asked if after the breakeven point of five years, whether the new phone system would still be operational. Mr. Torres responded yes, as an IP system, it should still be operational at that time. The current phone system is an old Toshiba system from the 90's which is no longer being supported. Mr. Torres stated a benefit to using an IP phone system, would be the ability to transfer calls from Town Hall to other Town Department phone numbers, such as Animal Control or the Police Department. This is not an option with the current system. Councilor Ring asked if Town Hall ever moved to a new location would it pose a problem with the phone system. Mr. Torres responded it would not, since the new phone system would be internet-based. Councilor Abrams recommended looking into the provider's service level agreement, as voice-over IP can be challenging. Mr. Torres reported that he had negotiated an increase in internet bandwidth for all Town facilities to 20mgs down/20mgs up, at no additional cost, by moving to a new pricing plan.

13. APPROVAL OF THE FINANCIAL REPORT FOR THE MONTH OF APRIL, 2016.

Mr. Torres reviewed the Financial Report for the month of April 2016. The Accounts Payable Vouchers for April were \$234,936.20 and Gross Receipts totaled \$394,333.26. The Gross Receipts for April included the hold harmless payback, explaining the larger than usual distribution. Staff checked with the NM Taxation and Revenue Department and verified no additional funds were owed the Town. The distribution for May is \$290,717. Councilor Ring commented it was a decrease from last May. Mr. Torres will provide a comparison for the Council in next month's report. Councilor Ring inquired about Line Item 600, Impact Fee/Escrow Fund, asking if the funds could be spent since they were not generating interest. It is Councilor Ring's understanding that revenue collected for impact fees has to be expended in the same areas in which they are collected. Mr. Torres stated he was not familiar with the specific ordinance addressing impact fees; however, he will look into the matter and have an answer for Council at the next meeting.

MOTION: Councilor Simmons made a motion to approve the Financial Report for the month of April 2016.
Councilor Ring seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

14. APPROVAL OF THE FY2017 INTERIM BUDGET.

Mr. Torres presented the FY2017 Interim Budget, which will be submitted to the NM Department of Finance and Administration (DFA) upon Council's approval. Mr. Torres' concern is the operating fund. Expenditures within the operating fund are fine but it is the transfers out to cover municipal street and wastewater expenses that may lead to deficit spending as the interim budget currently stands. As far as DFA is concerned, the Town might receive another letter stating the Town's expenditures are exceeding revenue. Mr. Torres called for another budget hearing to discuss the final FY2017 budget. He will have up-to-date end of year data to work with instead of the estimates used to develop the interim budget. Mr. Torres proposed scheduling the budget hearing in mid-July to allow time to complete the bank reconciliation.

MOTION: Councilor Simmons moved to approve the Interim Budget for FY2017. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Ring voted aye. The motion carried.

15. ANNOUNCEMENTS and/or CALENDAR REVIEW.

- A. Regular Council Meeting – June 1, 2016 @ 6:30 P.M.
- B. Regular Council Meeting – June 15, 2016 @ 6:30 P.M.

NOTE: The Town Hall Offices will be closed Monday, May 30, 2016 in observance of Memorial Day.

16. FUTURE AGENDA ITEMS.

Mayor Bassett noted a future agenda item of the possible budget meeting on July 16, 2016.

Councilor Ring requested a future agenda item to discuss a citizen's request to have the height allowances amended.

17. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1 (H)(7) the following will be discussed in Closed Session.

- Pending Litigation – John T. Hartigan v. Town of Edgewood; and Town of Edgewood Police Department; and Chief of Police Fred Radosevich, in his individual and representative capacities
- Possible Real Estate Transaction

MOTION: Councilor Simmons made a motion to go into Closed Session, as per listed on the agenda. Councilor Abrams seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Abrams voted aye. The motion carried.

The Council went into Closed Session at 7:52 p.m.

Upon return from Closed Session at 8:10 p.m., Mayor Bassett stated the only items discussed were the two items listed on the agenda.

MOTION: Councilor Abrams a made a motion to go back into Open Session. Councilor Ring seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Abrams voted aye. The motion carried.

Councilor Abrams verified only items listed on the agenda were discussed and no decisions were made in Closed Session.

Councilor Abraham affirmed no decisions were made and only the two items listed on the agenda were discussed.

Councilor Simmons affirms no decisions were made and only the two items listed on the agenda were discussed.

Councilor Ring affirms they discussed only the items on the agenda and made no decisions.

Mayor Bassett affirmed they discussed only the items on the agenda and made no decisions.

18. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting of May 18, 2016. Councilor Ring seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

Mayor Bassett adjourned the meeting of May 18, 2016 at 8:20 p.m.

PASSED, APPROVED AND ADOPTED THIS 1st day of JUNE, 2016

John Bassett, Mayor

ATTEST:

Juan Torres, Clerk/Treasurer

**DRAFT MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
MAY 17, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL.

Chairman Dan Thompson called the meeting to order at 6:00 pm.

Commissioners present were: Larry Sullivan, Cheryl Huppertz, & Dan Thompson. Also present were: Juan Torres, Town Clerk/Treasurer, & Bonnie Pettee, Planning & Zoning. Commissioner Garry Bryant was not present.

2. APPROVAL OF AGENDA.

MOTION: Commissioner Huppertz made a motion to approve the agenda for the May 17, 2016 meeting. Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

3. APPROVAL OF MINUTES:

A. Draft Planning & Zoning Commission Meeting Minutes of May 10, 2016.

Commissioner Sullivan asked for two clarifications in the minutes. The first being in regards to the vote in the land matters considered; the "Findings" for the zone change and the lot line vacation. The minutes state "All Commissioners voted aye". Commissioner Sullivan was not present and, therefore, did not vote. Secondly, he would like the minutes to reflect that the lot line vacation was not treated as a Minor Subdivision.

MOTION: Commissioner Huppertz made a motion to approve the Minutes of May 10, 2016 with the noted corrections. Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

4. PUBLIC COMMENT: (Limited to 2 minutes per person)

There were none.

5. OVERVIEW OF EDGEWOOD WASTE WATER SYSTEM- Discussion with Tappan Mahoney, Dennis Engineering.

Tappan Mahoney from Dennis Engineering introduce himself. Dennis Engineering is contracted for engineering services for the Town of Edgewood. He asked the Commissioners what topics they would like him to address.

Commissioner Sullivan was interested in hearing about the collection, transmission, lift stations, capacity and reuse purposes.

Mr. Mahoney showed a map of the locations of the wastewater plant, current lines and manholes. He explained the path the effluent takes to the plant and after processing, how it is pumped back to the hydrants for reuse. He noted the hydrants are located at the lift station on Church Street and the Sonic on Edgewood 7. Mr. Mahoney explained the plant is a Bio Membrane Plant, which means the general method of treatment is filtering the water through membrane plates.

Commissioner Huppertz inquired what the effluent water is used for.

Mr. Mahoney replied dust suppression along the roads and construction uses. It is also suitable for plants as is it graded as Class A1, which is the highest grade the effluent can achieve. Regarding capacity, Mr. Mahoney explained that this is based on flow and concentration. Currently, the Town has reached its capacity and is looking at options for improvements and/or expansion.

Commissioner Sullivan asked if there was land to accommodate any upgrades in the plant and if the wind turbine on the property plays into the process.

Mr. Mahoney replied that there is an additional 35 acres available. The wind turbines help to offset the plant electricity bills.

With no further questions, Chairman Thompson thanked Mr. Mahoney for his time and presentation.

6. REQUEST FOR CHANGE IN ZONING FROM SU SPECIAL USE TO RE RESIDENTIAL ESTATE for property located at:

A. 17 W. Hill Ranch Road, SE ¼ of Section 4, T10N, R7E, N.M.P.M, Town of Edgewood, Santa Fe County, NM; Lands of Howard and Dona Hill Trust

Chairman Thompson introduced the request for zone change and asked for the staff report. Bonnie Pettee presented the staff report. Ms. Pettee stated that request is for a zone change from SU-Special use to RE-Residential Estate on a 9.4 acre parcel. The current owner is Calvary Chapel. They were granted a Special Use around 2004 for the purpose of a church. Since the property is divided into four (4) parcels, the church has decided to sell two of them. The applicant is requesting that the property be zoned RE-Residential Estate for the purpose of building a family home with a barn and outbuildings for storage. Ms. Pettee stated that the request is not detrimental to public welfare and will not impair the value of adjacent properties or the character of the community. The subject property is in compliance with the RE-Residential Estates zoning and consistent with zoning on the adjacent properties, and therefore, the Staff recommends approval of the request.

Mr. Terry Milford, the applicant stated he had nothing to add to the staff report but will be willing to answer any questions the Commission members had.

Commissioner Sullivan asked about a dotted line that appeared on the west side of the plat, if it was an easement.

Mr. Milford replied yes, it was a 20' access easement.

Commissioner Sullivan stated 20' was restrictive, if you wanted two way traffic and drainage. He asked about access for the parcel north of the subject property.

Mr. Milford added there is a 50' easement on the north side of the adjacent property that is accessible from State Hwy 344.

There were no further questions.

MOTION: Commissioner Huppertz made a motion to approve the request for zone change from SU-Special Use to RE Residential Estate for property located at 17 Hill Ranch Road, SE ¼ Section 4, T10N, R7E, N.M.P.M; Town of Edgewood, Santa Fe County, NM; Lands of Howard and Dona Hill Trust.

Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

7. PUBLIC HEARING. QUASI JUDICIAL PROCEDURE: Certification that public notice of this meeting has been posted as required:

Ms. Pettee confirmed the public notice had been published as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Mr. Tim Oden and Ms. Bonnie Pettee were sworn in for testimony.

Confirmation of no conflict of interest or ex-parte communication.

Commissioner Huppertz confirmed she had no conflict of interest or ex-parte communication.

Commissioner Sullivan stated he had a brief conversation with a citizen prior to the meeting. He told the gentleman he would be allowed to speak during the hearing. Commissioner Sullivan confirmed that is the extent of his ex-parte communication.

Chairman Thompson confirmed he had no conflict of interest or ex-parte communication.

- A. Request for approval of a Minor Subdivision consisting of 3 lots, being Parcel A, Lone Pine Ranch, located at State Hwy 344 and Prairie Moon Road, Section 22, T10N, R7E, Town of Edgewood, Santa Fe County, N.M.P.M.

Bonnie Pettee presented the staff report. She gave a brief history of the subject land and stated the applicant is seeking approval for a three (3) lot split of the remaining parcel of Lone Pine Ranch, known as Parcel A. Tract A-1 consists of 60 acres. Tract A-2 consists of 20 acres. Tract A-3 consists of 62.2 acres, a home and barn. She explained that since there were no plans for development, the infrastructure needs were not known. Ms. Pettee added that easements for utilities were provided for on the plat. Future development would require road improvements along Prairie Moon Road and State Hwy 344. Applicable regulations would need to be met.

Mr. Tim Oden, agent for the applicant, stated he had nothing to add to the staff report. He explained the location of each tract. He added the property has been for sale for a long time, maybe small lots would be easier to sell. There have been potential buyers expressing interest, but at this time there are no development plans.

Commissioner Sullivan asked if the 60' ROW easement along Hwy 344 belongs to Santa Fe County. Mr. Oden replied it was granted to them, but they do not express ownership or maintenance. There is no documentation that conveys the easement to NMDOT.

Commissioner Sullivan asked if there was any documentation that states the county will allow public utilities in there easement.

Mr. Oden replied he was not aware of any.

Commissioner Sullivan noted that the 20 acre parcel in the middle would be cut off from utilities without an easement.

Mr. Oden explained that the owners of the property requested that easements would be omitted from the plat until they reached the development stage.

With no further questions, Chairman Thompson closed the Public Hearing.

Commissioner Sullivan stated he was not in favor of approving the subdivision request without easements and other contents of the plat; such as setbacks, as stated in the Subdivision Ordinance, Section 8. C. Contents of the Plat.

MOTION: Commissioner Huppertz made a motion to table the request for additional information.

Mr. Oden stated the applicant was not in favor of tabling the request. He would rather they approve it with conditions or deny it.

Commissioner Huppertz withdrew her motion.

MOTION: Commissioner Sullivan made a motion to approve the request for a minor subdivision, consisting of 3 lots, being Parcel A, Lone Pine Ranch, located at State Hwy 344 and Prairie Moon Road, Section 22, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM with the following conditions:

1. Compliance with the minor subdivision plat contents as required in Subdivision Ordinance, Section 8. C.3.
2. The owners set aside a new 20' easement east of the existing 60' easement.

Commissioner Huppertz seconded the motion.

VOTE: Commissioner Sullivan voted aye. Commissioner Huppertz voted aye. Chairman Thompson voted aye. The motion carried.

8. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.

Commissioner Sullivan expressed his appreciation for the presentation from Dennis Engineering and the support of the Commissioners to have Mr. Mahoney at our meeting. Regarding the Resolution for the Planning Commission to be approved at the next meeting, Commissioner Sullivan stated he would like to see three things added. The first was that the recordings of the meetings be saved and archived. He would look into the State archive, if necessary.

Juan Torres replied that the Town downloads the recordings to our website and they are archived there. Agendas and Packets are also on the site. Everything on the computers is backed up routinely.

Commissioner Sullivan noted that he had read the case regarding the City of Albuquerque vs. Albuquerque Commons, suggested by Anita Miller at our workshop last week. He stated that he felt it was a very informative article. The article explains the need to make a clear statement in our "Findings" why the facts of that case lead to the decisions we make. He noted the Minor Subdivision issues and conversations the Commission has had lately and the need to find a way to update the Ordinance and relax the requirements. He added that easements were necessary on all plats to avoid land lock situations from happening.

A brief discussion ensued regarding Minor Subdivisions.

Commissioner Sullivan stated the third things he would like to see is the graphics projected on a wall or a screen, so that they are easier to read. He would like these three items added to the "rules".

9. MATTERS FROM STAFF.

Mayor Bassett addressed the Commission regarding Planning & Zoning reference material. He wanted to make sure they had copies of the information. He also spoke about the upcoming site visit and how it would be handled.

Ms. Pettee stated she had planned on talking about the Minor Subdivision Section of the Ordinance, but since we had already, she would not bring it up again.

Commissioner Sullivan stated he would like to amend the appropriate zoning classifications to add the height requirement back in.

Mr. Torres stated that he wanted to address Ordinance changes. When the Commission has suggestions for changes to the ordinances, if they would bring them to him, he will forward their recommendations to Council.

10. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

A. Next Commission Meeting - 6/6/16 - Zone Change from SU – Special Use to R-2

Residential for property on Dinkle Road.

B. Road Dedication

Ms. Pettee reviewed the items on the next agenda and asked if there were any discussion items the Commission would like added.

It was a consensus of the Commissioners that there was enough on the agenda already.

11. ADJOURN.

MOTION: Commissioner Huppertz made a motion to adjourn tonight's meeting. Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

Chairman Dan Thompson adjourned the meeting of May 17th, 2016 at 8:13 pm.

PASSED, APPROVED AND ADOPTED this 6th day of JUNE, 2016.

Dan Thompson, Chairman

ATTEST:

Cheryl Huppertz, Vice Chairperson

**TOWN OF EDGEWOOD
ORDINANCE NO. 2016-02**

**AN ORDINANCE GRANTING THE APPROVAL OF A ZONE CHANGE
TO MIXED USE (M U) ZONE WITHIN THE TOWN OF EDGEWOOD,
NEW MEXICO.**

WHEREAS: the owners Gervais and Patricia Williams are requesting Mixed Use (M U) zoning for the property located at 92A Church Street – Tract A - .95 acres, 92C Church Street – Tract D .86 acres and 88 Church Street – Tract B - .95 acres in Section 27 T10N, R7E, NMPM, Edgewood, Santa Fe County, New Mexico, and

WHEREAS: the zone change complies with the requirements of Town of Edgewood Zoning Ordinance No. 2014-02, Section 40 Amendments and Section 20 M U Mixed Use Zone, duly approved by the Town Clerk/Treasurer, and

WHEREAS: the zone request is accompanied by a map, known as Exhibit “A”, showing the boundary of the proposed property and is also accompanied by a written description of the land; and

WHEREAS: a public hearing, or hearings, regarding this ordinance have been published and held in conformance with the requirements of State law that:

1. The requested zone change is located in the municipal boundary and will not adversely affect the general plan of the Town or be contrary to the general public health and welfare.

**THEREFORE: BE IT ORDAINED BY THE GOVERNING BODY OF THE
TOWN OF EDGEWOOD THAT:**

The Governing Body of the Town of Edgewood does hereby grant said zone change with the following conditions:

1. Property to be zoned Mixed Use (M U)
2. The property being zoned as Mixed Use (M U) will be in compliance with the Town’s current Planning & Zoning Ordinance and 2000 Comprehensive Master Plan.

The zone map of the Town of Edgewood shall be amended accordingly and a copy of this Ordinance amending the zone map of the Town of Edgewood shall be recorded in the office of the County Clerk of Santa Fe County, New Mexico.

APPROVED, PASSED AND ADOPTED this 1st day of June, 2016 at an open meeting held at the Edgewood Community Center, Edgewood, New Mexico.

John Bassett, Mayor

ATTEST:

Juan Torres, Clerk/Treasurer

Minor Subdivision Discussion with Councilors

Minor Subdivision – Definition

Any subdivision resulting in no more than three lots on any single lot which formerly existed, provided such single lot was in existence in its current form a minimum of 365 days prior to the date of the application, has no infrastructure needs, and all resulting Lots must be accessible from existing street/roadways. Only those lots which meet all of the conditions set forth herein are eligible to be subdivided as a Minor Subdivision.

Section 8. Minor Subdivisions. C) Contents of Plat. 3. Plat Requirements f.

Existing & proposed conditions of the site and its environs including the following:

1. Present Site designation or Subdivision name.
2. Easements on site: location, width, and purpose.
3. Zoning on the site, including all applicable setback lines
4. Number or letter to identify each proposed lot & block.
5. Total area of the proposed Plat to the nearest one-tenth (1/10th) acre.
6. The title under which the proposed Subdivision is to be recorded

RESOLUTION NO. 2016-xx

**A RESOLUTION OF SUPPORT TO DESIGNATE AND MANAGE THE SANTA FE
COUNTY EQUESTRIAN CENTER AS AN OVERNIGHT EQUESTRIAN REST STOP**

WHEREAS, the Town of Edgewood is committed to the planning, development, management and maintenance of parks, recreation, community services, facilities, Open Space and trails and resources necessary to promote the well-being and quality of life for all residents of the Town of Edgewood; and

WHEREAS, the Town recognizes that over 650,000 vehicles per month, many of them equestrian rigs, travel on adjacent Interstate 40; and

WHEREAS, the Town will install a kiosk to promote the many services available to travelers including (trailer & vehicle repair, tack shops, feed stores, veterinary services, food, gas) that would contribute additional revenue and therefore GRT to the area; and

WHEREAS, the Town recognizes that this facility would be an attractive overnight alternative with the amenities needed for a comfortable stay and a place travelers can enjoy the quiet solitude and secure setting outside of Albuquerque before continuing on their adventures; and

WHEREAS, the Town recognizes that having overnight responsible users on site would help prevent vandalism; and

WHEREAS, the Town would install and manage a pay station and signage for overnight users; and

NOW THEREFORE BE IT RESOLVED that the Town of Edgewood Governing Body hereby agrees to support the designation and management of the Overnight Equestrian Rest Stop in Santa Fe County and agrees to assume ownership, liability, maintenance and funding responsibility for the scope of this project.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2016.

John Bassett Mayor

ATTEST:

, Clerk/Treasurer

RESOLUTION NO. 2016-xx

**A RESOLUTION OF SUPPORT FOR A NO COST LEASE OF 80 ACRES OF BUREAU OF
LAND MANAGEMENT (BLM) DEPARTMENT OF THE INTERIOR
LAND IN TORRANCE COUNTY**

WHEREAS, the Town of Edgewood is committed to the planning, development, management and maintenance of parks, recreation, community services, facilities, Open Space and trails and resources necessary to promote the well-being and quality of life for all residents of the Town of Edgewood; and

WHEREAS, the Town Comprehensive Plan states that, "Parks and open spaces can provide many natural benefits, such as groundwater recharge, air cleansing, scenic beauty, as well as increased property values and health benefits"; and

WHEREAS, the Town is leasing as Open Space and Trails the 695 acre State Land Office, T10N R7E, tract immediately adjacent and North of the BLM 80 acres; and

WHEREAS, the Town is in the process of renewing the lease on 248 acres of BLM in State Section 34, T10N R7E, 1 ½ miles East of the 80 acres as Open Space of which a Plan of Development (POD) with picnic facilities, trails, equestrian, pedestrian and bicycle trails has been implemented; and

WHEREAS, City of Albuquerque has 160 acres of Open Space immediately adjacent and North of the 80 acres; and

WHEREAS, the Town plans to extend its present trail network to ultimately tie into the regional trail system being developed by Santa Fe County, Bernalillo County and the East Mountain Regional Trails Council; and

WHEREAS, the Town wishes to prevent the deterioration of publicly-owned resources arising from unrestricted use of motor vehicles, camping, fires and prohibit littering, dumping, shooting, vandalism or the creation of any public nuisance by imposing Town Ordinance 2011-04; and

NOW THEREFORE BE IT RESOLVED that the Town of Edgewood Governing Body hereby agrees to support a no cost lease of BLM 80 acres located at T9N R9N S5 & S6 in Torrance County and agrees to assume ownership, liability, maintenance and funding responsibility for the scope of this project to including the creation of a Plan of Development.

PASSED, APPROVED, and ADOPTED this ____ day of ____, 2016.

John Bassett Mayor

ATTEST:

, Clerk/Treasurer